

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:09-CR-81-BO

DEVON JONES,)	
Petitioner,)	
)	
v.)	O R D E R
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the court on the petitioner's motion for exemption from his financial responsibility program [DE 58 & 60] and the government's motion to dismiss petitioner's motion [DE 62]. Pursuant to Federal Rule of Civil Procedure 12 (b)(6), the government's motion is GRANTED and the petitioner's motion is DISMISSED.

BACKGROUND

On January 24, 2011 petitioner pleaded guilty to a superseding criminal information charging him with one count of misprision of a felony. On June 2, 2011, the Court sentenced petitioner to a term of imprisonment of 36 months, one year supervised release, and ordered him to pay a \$100 special assessment. Petitioner previously sought relief pursuant to 28 U.S.C. § 2255 and was denied such relief by this Court. Petitioner has appealed that denial. Petitioner filed the instant motion requesting relief from his financial responsibility program obligations on August 16, 2012. Petitioner was ordered to re-file his motion in compliance with local rules and he did so on September 10, 2012. On October 24, 2012, the government filed a motion to dismiss.


DISCUSSION

Petitioner Jones has requested a temporary exemption from the obligations of his financial responsibility program. On September 11, 2012, the Bureau of Prisons granted petitioner a temporary exemption from the financial responsibility program. As such, petitioner has not stated a claim upon which relief may be granted and his motion must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

CONCLUSION

For the reasons stated above, the government's motion is GRANTED and the petitioner's motion for exemption from financial responsibility program is DISMISSED.

SO ORDERED, this 27 day of November, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE